

IN THE CLAIMS:

Please amend the claims as follows.

- [c1] (Currently Amended) An orthopedic appliance, comprising a wedge ~~for placement~~ adapted to be placed under the phalanges of a toe and to not extend under forward of the center of a first metatarsal, the wedge having a top surface adapted to support the toe and a bottom surface, wherein the wedge is inclined such that when properly sized and placed, an angle of inclination between the top surface and the bottom surface of the wedge is deflects a proximal phalanx of the toe between 1 and 60 degrees upwardly in a proximal to distal direction, relative to the first metatarsal.
- [c2] (Original) The orthopedic appliance of claim 1, wherein the angle of inclination is between 10 and 20 degrees.
- [c3] (Original) The orthopedic appliance of claim 1, wherein the wedge is formed integrally as part of a piece of footwear.
- [c4] (Original) The orthopedic appliance of claim 1, wherein the wedge comprises an elastomeric material.
- [c5] (Original) The orthopedic appliance of claim 1, wherein the wedge comprises a material selected from the group consisting of: cork, leather, resilient foam, and thermoplastic material.
- [c6] (Original) The orthopedic appliance of claim 1, wherein a concave depression is formed in the top surface.
- [c7] (Original) The orthopedic appliance of claim 1, further comprising at least one fastener.

- [c8] (Original) The orthopedic appliance of claim 7, wherein the at least one fastener comprises a plurality of bands disposed adjacent the top surface.
- [c9] (Original) The apparatus of claim 7, wherein the at least one fastener comprises a sheath disposed over the top surface.
- [c10] (Currently Amended) An apparatus for orthopedic treatment, comprising:
a top surface adapted to support the phalanges of a toe and not extending under the center of a first metatarsal;
a bottom surface; and
a support which, when the apparatus is properly sized and placed, maintains a deflection of a proximal phalanx of the toe upwardly at an angle of inclination in a proximal to distal direction between the top surface and the bottom surface.
- [c11] (Original) The apparatus of claim 10, wherein the angle of inclination is between 1 and 60 degrees.
- [c12] (Original) The apparatus of claim 10, wherein the angle of inclination is between 10 and 20 degrees.
- [c13] (Original) The apparatus of claim 10, wherein the support is formed integrally as part of a piece of footwear.
- [c14] (Original) The apparatus of claim 10, wherein a concave depression is formed in the top surface.
- [c15] (Original) The apparatus of claim 10, further comprising at least one fastener.
- [c16] (Previously Presented) The apparatus of claim 15, wherein the at least one fastener comprises a plurality of bands disposed adjacent the top surface.

- [c17] (Previously Presented) The apparatus of claim 15, wherein the at least one fastener comprises a sheath disposed over the top surface.
- [c18] (Currently Amended) A method for improving stability of a foot during ambulation, comprising:
- providing a wedge having a top surface adapted to be positioned substantially under the phalanges of a toe and to not extending extend under the center of a first metatarsal, and a bottom surface; and
 - elevating upwardly deflecting a proximal phalanx of the toe relative to the first metatarsal to a predetermined angle of inclination in a proximal to distal direction using the wedge.
- [c19] (Original) The method of claim 18, wherein the angle of inclination is between approximately 1 and 60 degrees.
- [c20] (Original) The apparatus of claim 18, wherein the angle of inclination is between 10 and 20 degrees.
- [c21] (Previously Presented) The method of claim 18, further comprising fixing the bottom surface of the wedge to a piece of footwear.
- [c22] (Previously Presented) The method of claim 18, further comprising fixing the wedge to the toe using at least one band.
- [c23] (Original) The method of claim 18, further comprising fixing the wedge to the toe using a sheath.